17. D.B. CIVIL SPECIAL APPEAL (CIVIL) NO.136/2006.

Hari Ram Vs. Smt. Rampyari & Ors.

Date of Order : 16th April 2007.

HON'BLE MR. JUSTICE P.B. MAJMUDAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.G. Ojha, for the appellant.
Mr. Hemant Kumar Jain, for the respondents.

..

Heard the learned counsel.

Considering the averments made in the restoration application which was preferred before the learned Single Judge, we are convinced that the case for restoration of the main second appeal is made out.

Considering the facts and circumstances of the case, in our view, it would be desirable that the main second appeal may be considered on its own merits.

Learned counsel appearing for the appellant has assured the Court that as and when the matter is listed before the learned Single Judge, he will remain present and the matter may not be again left unattended before the learned Single Judge.

In view of the said assurance given by the learned counsel appearing for the appellant, we allow this special appeal and, accordingly, the main second appeal is restored on the board of the learned Single Judge that shall be considered on merits.

There is no order as to costs.

(DINESH MAHESHWARI), J. **(P.B. MAJMUDAR) ,J.**

Mohan/